

Message Text

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ACTION DLOS-06

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INFO AMEMBASSY BONN
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AMEMBASSY STOCKHOLM
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C O N F I D E N T I A L OSLO 6438

E.O. 11652: GDS
TAGS: PLOS EFIS UR NO
SUBJECT: FOURTH ROUND OF NORWEGIAN/SOVIET BARENTS SEA BOUNDARY
TALKS END WITHOUT PROGRESS

REFS: (A) OSLO 6388 (B) OSLO 6238 (C) OSLO 5316 (D) OSLO 3156
(E) OSLO 6104

SUMMARY: ON DECEMBER 20, NORWEGIAN AND SOVIET DELEGATIONS
CONCLUDED FOURTH ROUND OF NEGOTIATIONS ON COUNTRIES' BARENTS
SEA CONTINENTAL SHELF BOUNDARY WITHOUT RESULTS OR DEFINITE
TIME FOR NEXT SESSION. BOTH SIDES RECITED PREVIOUSLY STATED
POSITIONS. DURING MEETINGS SOVIETS OFFERED AS A "COMPROMISE"
PROPOSAL THAT THE COUNTRIES' DEFINE BOUNDARY OUT TO END OF
200-MILE ECONOMIC ZONE USING SOVIET SECTOR LINE;
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NORWEGIANS TURNED DOWN PROPOSAL. SOVIETS ARE EXPECTED TO
SCHEDULE NEXT MEETING. MEANWHILE, GON IS SEEKING TO
ACHIEVE SOME TEMPORARY ARRANGEMENT TO PERMIT FISHING IN
DISPUTED AREA THOUGH SOVIET ATTITUDE TO THIS IS UNCLEAR;
PROBLEMS INVOLVED ARE SIZEABLE AND POSSIBILITIES OF
UNSETTLING CONFLICTS ARE HIGH. END SUMMARY.

1. NORWEGIAN AND SOVIET DELEGATIONS CONCLUDED WITHOUT RESULTS THIS WEEK IN OSLO THEIR FOURTH ROUND OF NEGOTIATIONS ON THE BARENTS SEA CONTINENTAL SHELF BOUNDARY. DELEGATIONS HEADED BY NORWEGIAN MFA DIRECTOR GENERAL FOR LEGAL AFFAIRS KJELL ELIASSEN AND SOVIET SPECIAL AMBASSADOR BORIS PODSEROB HELD SIX ONE-HOUR MEETINGS DAILY BETWEEN DECEMBER 13-20 DURING WHICH BOTH SIDES RECITED WITHOUT CHANGE THEIR PREVIOUS POSITIONS. A COMMUNIQUE ISSUED DECEMBER 20 AT CONCLUSION OF MEETINGS SAID NEGOTIATIONS WERE CONDUCTED IN OBJECTIVE AND FRIENDLY ATMOSPHERE AND WILL BE CONTINUED AT TIME TO BE FIXED LATER THROUGH DIPLOMATIC CHANNELS.

2. ELIASSEN BRIEFED EMBOFF ON NEGOTIATIONS. HE SAID SOVIETS STATED THEY STILL WERE PROCEEDING ON BASIS OF CONTINENTAL SHELF CONVENTION AND SPENT TIME RESTATING LONG LIST OF SPECIAL CIRCUMSTANCES WHICH BROUGHT THEM TO CONCLUSION THAT BOUNDARY SHOULD COINCIDE WITH SECTOR LINE. SOVIETS CITED THEIR SECTOR DECREE OF 1926 AS ONE SPECIAL CIRCUMSTANCE BUT DID NOT GIVE IT ANY SPECIAL EMPHASIS. THE NORWEGIANS

REFUTED THE SOVIET CLAIMS FOR SPECIAL CIRCUMSTANCES POINT BY POINT.

3. SOVIETS, ACCORDING TO ELIASSEN, PROPOSED WHAT THEY CALLED A "COMPROMISE" PROPOSAL, WHICH WAS THAT INSTEAD OF SEEKING TO RESOLVE ENTIRE BOUNDARY THE TWO SIDES SHOULD AS FIRST STEP SETTLE THE BOUNDARY OUT TO EDGE OF 200-MILE ECONOMIC ZONE. THE SOVIETS PROPOSED BOUNDARY SHOULD RUN ALONG SECTOR LINE. THE SOVIETS PROPOSED BOUNDARY SHOULD RUN ALONG SECTOR LINE. ELIASSEN TURNED DOWN THIS PROPOSAL AS "ABSURD". HE TOLD EMBOFF THAT WHILE OFFER WAS UNACCEPTABLE IT WAS ALSO ONE OF LEAST LIKELY POSSIBILITIES GON COULD CONFIDENTIAL

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CONSIDER SINCE LINE IN THIS AREA; THEY HAVE MORE FLEXIBILITY AT THE NORTHERN END. HE DID NOT SPECULATE FURTHER ON WHY SOVIETS MAY HAVE MADE COMPROMISE PROPOSAL, ALTHOUGH IT IS POSSIBLE THEY SAW THIS AS OPPORTUNITY IN CONTEXT OF NEGOTIATION, BUILD A CASE TO SAY LATER THEY HAD OFFERED COMPROMISES.

4. ELIASSEN TOLD PODSEROB THAT NORWAY WANTED A SOLUTION TO BOUNDARY ISSUE ON MEDIAN LINE PRINCIPLE, AS PRIME MINISTER NORDLI HAD REITERATED

RECENTLY IN PRESS CONFERENCE (REFTEL B), AND THAT THEY WOULD BE FLEXIBLE IF OTHER SIDE WAS TOO. BUT HE SAID SOVIETS WERE UNYIELDING IN THEIR POSITION.

5. ELIASSEN SAID HE DID NOT KNOW WHEN NEXT NEGOTIATING SESSION WOULD MEET, BUT SAID IT WAS UP TO SOVIET SIDE TO CALL NEXT ROUND.

6. ELIASSEN BELIEVES THAT FINDING TEMPORARY SOLUTION TO FISHING IN DISPUTED AREA IS THE FIRST IMMEDIATE TASK NOW THAT NEGOTIATIONS

HAD REACHED IMPASSE. HE LOOKED TO MEETING WHICH CONCLUDED DECEMBER 22 IN OSLO OF SOVIET-NORWEGIAN MIXED FISHERY COMMISSION AS FIRST STEP AND ONE WHICH MIGHT GIVE INDICATION OF FUTURE HANDLING OF FISHING ISSUE. ELIASSEN SAID IN MEETING GON AND SOVIETS AGREED ON OVERALL FISHING QUOTAS FOR THE BARENTS SEA. THEY HAVE NOT YET AGREED ON HOW QUOTAS WILL BE DIVIDED. MEETING APPARENTLY WENT WELL AND IN WORKING OUT QUOTAS SOVIETS WERE USING TWO SETS OF FIGURES FOR USSR AND NORWAY, ONE EXCLUDING DISPUTED AREA AND THE OTHER PRESUMABLY INCLUDING DISPUTED AREA. QUOTAS AGREED UPON WILL NOW BE SET BEFORE THIRD PARTY NATIONS. BUT THE FACT THAT SOVIETS SEEMED TO BE HANDLING DISPUTED AREA AS SEPARATE ENTITY, SOMETHING UP TO NOW THEY HAVE REFUSED TO DO, COULD MEAN IT MIGHT BE POSSIBLE TO DISCUSS ISSUES IN THAT AREA ON COMMON BASIS WITH BETTER LIKELIHOOD OF REACHING AGREEMENT, ELIASSEN THOUGHT.

7. ELIASSEN, HOWEVER, SAW NO EASY SOLUTION TO THE FISHING PROBLEMS. AGREEMENT ON QUOTAS BETWEEN NORWEGIANS AND SOVIETS WOULD HELP. CONFIDENTIAL

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NONETHELESS, HE SAID, THE TOUGH JURISDICTIONAL ISSUES WOULD REMAIN. HE HOPED IT MIGHT BE POSSIBLE FOR SOVIETS AND NORWEGIANS TO AGREE ON FLAG STATE ENFORCEMENT IN THE DISPUTED AREA. BUT EVEN THEN THE QUESTION OF THIRD COUNTRY QUOTAS AND ENFORCEMENT WOULD REMAIN, HE ACKNOWLEDGED.

8. FOR THE TIME BEING AT LEAST, ELIASSEN SAID HE THOUGHT THE ONCE-SUGGESTED VISIT OF LAW OF THE SEA MINISTER EVENSEN TO MOSCOW TO NEGOTIATE AN INTERIM FISHING ARRANGEMENT FOR THE DISPUTED AREA WOULD BE DELAYED, IF NOT CALLED OFF. CERTAINLY EVENSEN WOULD NOT BE UNDERTAKING A MISSION TO MOSCOW UNTIL PRESENT DEVELOPMENTS WERE ASSESSED, AND THUS PUTTING ANY SUCH VISIT OFF AT LEAST UNTIL EARLY NEXT YEAR.

9. ELIASSEN SAID THAT SOVIETS DID NOT MENTION EARLIER "IZVESTYA" ATTACK ON HIM FOR HIS STATEMENTS ON THE SVALBARD TREATY DEMILITARIZATION PROVISIONS. RATHER IN HIS OPENING PRESENTATION PODSEROB MADE POINT OF PRAISING ELIASSEN FOR HIS WORK IN NEGOTIATIONS.

10. ELIASSEN SAID HE THOUGHT THE PRESENT NEGOTIATIONS MAKE IT CLEAR THAT SOVIETS ARE NOT GOING TO BUDGE ON THEIR SECTOR LINE. HE SAID IT IS ALWAYS POSSIBLE THEY MIGHT CHANGE THEIR POSITION AFTER HAVING MADE A STRONG PITCH FOR IT. BUT HE SPECULATED SUCH A CHANGE WAS UNLIKELY AND THAT NORWAY SIMPLE HAD TO SETTLE DOWN FOR A PROTRACTED NEGOTIATION ON THE BOUNDARY WHILE SEEKING PRACTICAL WAYS TO AVOID CONFLICTS.

11. COMMENT: WHILE THERE WAS SOME DISAPPOINTMENT EXPRESSED THAT THE NEGOTIATIONS HAVE REACHED AN IMPASSE, NO ONE SEEMS TO HAVE BEEN REALLY

SURPRISED. AS ELIASSEN SUGGESTS, WE BELIEVE THE GOVERNMENT NOW SEEMS TO BE MORE INCLINED TO LOOK AT THE ISSUE IN A LONG TERM CONTEXT AND TO LOOK FOR PRACTICAL, TEMPORARY SOLUTIONS, PRINCIPALLY IN THE FISHING

AREA, UNTIL IT MAY BECOME POSSIBLE TO MAKE PROGRESS ON THE BOUNDARY LINE. THE PRESS SEEMS TO HAVE PICKED UP THIS THEME IN COMMENTING ON CONFIDENTIAL

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THE LATEST TALKS.

12. EVEN THOUGH THE NORWEGIANS AND SOVIETS HAVE MANY COMMON FISHING INTERESTS IN THE AREA THE IMPASSE WILL PROBABLY HEIGHTEN THE TEMPTATIONS AND PROBELS IN SOVIET-NORWEGIAN RELATIONS. ONE OF THE TEMPTATIONS IN THE PROPOSED VISIT TO OSLO OF SOVIET FOREIGN MINISTER GROMYKO IN FIRST HALF OF 1977. ELIASSEN DID NOT COMMENT ON GROMYKO VISIT'S POSSIBLE EFFECT ON NEGOTIATIONS, BUT BELIEF EXISTS IN SOME GON AND PRESS CIRCLES THAT IF BOUNDARY ISSUE IS PROPERLY ELEVATED TO A HIGHER LEVEL A SOLUTION ACCEPTABLE TO NORWAY CAN BE REACHED. THE SOVIETS HAVE ALREADY OFFERED UP A CONSULTATIVE AGREEMENT AS A CARROT TO MAKE THE GROMYKO VISIT WORTH THEIR WHILE. THE GON TURNED DOWN THIS OFFER (REFTEL E). BUT THE TEMPTATION TO LOOK FOR A WORTHWHILE POLITICAL PURPOSE FOR THE VISIT WILL PROBABLY CONTINUE AS WILL THE OPPORTUNITY FOR THE SOVIETS TO TANTALIZE THE GON WITH POSSIBLE BOUNDARY AND OTHER SOLUTIONS.

13. ADDITIONALLY, THE JURISDICTIONAL AND ENFORCEMENT PROBLEMS IN THE DISPUTED AREA, IF NOT SOLVED, COULD CREATE NEW POINTS OF CONFLICT IN THE NORTH BETWEEN THE NORWEGIANS AND THE SOVIETS AND EVEN IF THE NORWEGIANS AND SOVIETS CAN AGREE ON ENFORCEMENT ARRANGEMENTS IN THE DISPUTED AREA, IT IS POSSIBLE THAT THIRD PARTY FISHING BOATS COULD CHALLENGE THESE RULES TO THE SPECIAL EMBARRASSMENT OF THE NORWEGIANS WHO REALLY HAVE NO ENFORCEMENT CAPABILITY. SUCH AN INCIDENT WOULD CLEARLY SHOW UP THE WEAKNESS OF NORWAY'S SITUATION, FOR THE GON HAS IN EFFECT ASSERTED JURISDICTION WHICH IT CANNOT ENFORCE. AND IF THE SOVIETS SHOULD CHOOSE TO SHOW THAT THE EMPEROR HAS NO CLOTHES, THEY COULD PRESUMABLY INDUCE ONE OF THEIR ALLIES TO PROVOKE SUCH AN INCIDENT (FOR EXAMPLE, THE POLES AND EAST GERMANS BOTH FISH EXTENSIVELY IN THE GENRAL AREA).

14. THE CONCLUSION OF THE CURRENT ROUND OF TALKS, THEREFORE, MAKES IT CLEAR THE PARTIES ARE FAR FROM A SATISFACTORY SOLUTION WITH MANY POTENTIAL PITFALLS AHEAD FOR THE NORWEGIANS.

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